



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,432	04/12/2001	Lance C. Shumaker	13DV13932	5277

31450 7590 05/20/2005

MCNEES WALLACE & NURICK LLC
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
----------	--------------

2191

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,432

Applicant(s)

SHUMAKER ET AL.

Examiner

Qamrun Nahar

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received:
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed on 12/23/2004.
2. The rejection under 35 U.S.C. 102(e) as being anticipated by Cohen (U.S. 6,178,430) to claims 1-14 and 17-20 is moot in view of the new ground(s) of rejection.
3. The rejection under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 6,178,430) in view of Sprague (U.S. 5,870,744) to claims 15-16 is moot in view of the new ground(s) of rejection.
4. Claim 6 has been amended.
5. Claim 7 has been canceled.
6. Claim 21 has been added.
7. Claims 1-6 and 8-21 are pending.
8. The objections to claims 1, 9 and 21 for informalities are pending.
9. Claims 1-6, 8 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
10. Claims 1-6, 8-14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628).
11. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628), and further in view of Sprague (U.S. 5,870,744).

Response to Amendment

Claim Objections

12. Claims 1, 9 and 21 are objected to because of the following informalities: There are numerous occurrence of the word "Intranet" in the claims. "Intranet" should **not** be capitalized. Appropriate correction is required.

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claims 1-6, 8 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1 and 21, the claims must not be directed merely to an abstract idea, but must instead be tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful and tangible result. The limitations recited in claims 1 and 21 are steps/actions that can be carried out on a paper. Abstract ideas, **Warmerdam**, 33 F.3d at 1360, 31 USPQ2d at 1759, or the mere manipulation of abstract ideas, **Schrader**, 22 F.3d at 292-93, 30 USPQ2d at 1457-58, are not patentable. See MPEP § 2106(IV)(B)(1)(a).

As per claims 2-3, these claims are rejected for merely reciting steps that does not require the steps to be carried out on a machine.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-6, 8-14 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628).

Per Claim 1:

Cohen teaches a method for determining a standards document to be added to an intranet portal ("The present invention downloads the standards document to a network server and connects the standards document into a HTML document. The HTML document is then available for display by web browsers on user computers connected to the network. The present invention additionally provides to users various management services that allow users to request changes to the standards document and to request exceptions, or variances, from the standards in order to perform specific tasks in a way that would be otherwise precluded by the standards. Users may schedule networked conferences for discussing proposed changes and exceptions and may vote on proposed changes and exceptions by using management services provided by the present invention." in column 3, lines 1-14); proposing, by a user, a standards document to be added to an intranet portal; adding the proposed standards document to a list of suggested standards documents ("Change Requests table", column 7, lines 58-67 to column 8, lines 1-16); displaying the list of suggested standards documents to a user of the intranet portal (Cohen

Art Unit: 2191

teaches displaying the Change Requests Table *Topics* to the users via email and notify users when to attend the Conference to consider the change requests; where each conference has more than one change request topics, see column 8, lines 16-54); selecting, by a user, a standards document from the list of suggested standards documents; indicating, by a user, support for the selected standards document; including the indication of support for the selected standards document in a cumulative indication of support for the selected standards document (“Votes table”, column 8, lines 55-65; and column 14, lines 55-67 to column 15, lines 1-26); and determining a standards document to be added to the intranet portal from the list of suggested standards documents using the cumulative indication of support for each suggested standards document in the list of suggested standards documents (column 15, lines 13-20). Cohen does not explicitly teach a *module* to be added to an intranet portal or an *administrator* determining a module to be added to the intranet portal. Anuff teaches a *module* to be added to an intranet portal (column 3, lines 58-67 to column 4, lines 1-14) and an *administrator* determining a module to be added to the intranet portal (column 8, lines 37-43 and lines 50-56).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Cohen to include that a *module* is to be added to an intranet portal and an *administrator* determining a module to be added to the intranet portal using the teaching of Anuff. The modification would be obvious because one of ordinary skill in the art would be motivated to reduce the cost of maintenance of a portal (Anuff, column 1, lines 40-56).

Per Claim 2:

Art Unit: 2191

The rejection of claim 1 is incorporated, and the combination of Cohen and Anuff further teaches wherein the step of proposing a module further comprises the steps of: providing a name for the proposed module; and providing a description for the proposed module (Cohen, column 7, lines 58-67 to column 8, lines 1-16; column 15, lines 64-67 to column 16, lines 1-12; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 3:

The rejection of claim 2 is incorporated, and the combination of Cohen and Anuff further teaches comprising the step of reviewing, by a user, the description of the selected module (Cohen, column 8, lines 55-65; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 4:

The rejection of claim 3 is incorporated, and the combination of Cohen and Anuff further teaches wherein the step of reviewing the description of the selected module comprises the step of opening a separate window that includes the description of the selected module (Cohen, column 16, lines 26-32; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 5:

The rejection of claim 1 is incorporated, and the combination of Cohen and Anuff further teaches wherein the step of indicating support further comprises the step of selecting, by a user, a

Art Unit: 2191

button associated with the selected module (Cohen, column 16, lines 19-26; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 6 (Amended):

The rejection of claim 5 is incorporated, and the combination of Cohen and Anuff further teaches wherein the indication of support for the selected module is a vote for the selected module (Cohen, column 16, lines 19-26; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14) and wherein the cumulative indication of support for the selected module is a sum of all the votes for the selected module (Cohen, column 15, lines 13-20; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 8:

The rejection of claim 6 is incorporated, and the combination of Cohen and Anuff further teaches further comprising the step of displaying the sum of all votes for the selected module (Cohen, column 15, lines 13-20; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claims 9-10 & 12-13:

These are computer program product versions of the claimed method discussed above (claims 1-4, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Art Unit: 2191

Per Claim 11:

The rejection of claim 10 is incorporated, and the combination of Cohen and Anuff further teaches wherein the update for the proposed module is one of adding the proposed module, changing the proposed module and removing the proposed module (Cohen, column 7, lines 58-67 to column 8, lines 1-16; column 15, lines 64-67 to column 16, lines 1-12; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claim 14:

The rejection of claim 12 is incorporated, and the combination of Cohen and Anuff further teaches further comprising computer instructions for executing the step of supplementing, by a user, the description of the update for the selected module with additional comments, the additional comments being added to the description of the update for the selected module for review by subsequent users (Cohen, column 16, lines 7-12; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

Per Claims 17-20:

These are computer program product versions of the claimed method discussed above (claims 5-6 and 8), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 21 (New):

This is another version of the claimed method discussed above, claim 1, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

17. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. 6,178,430) in view of Anuff (U.S. 6,327,628), and further in view of Sprague (U.S. 5,870,744).

Per Claim 15:

The rejection of claim 10 is incorporated, and further, the combination of Cohen and Anuff does not explicitly teach wherein the indication of support for the selected module is a rating of the update for the selected module. Sprague teaches wherein the indication of support for the selected module is a rating of the update for the selected module (column 6, lines 57-65).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the computer program product disclosed by the combination of Cohen and Anuff to include wherein the indication of support for the selected module is a rating of the update for the selected module using the teaching of Sprague. The modification would be obvious because one of ordinary skill in the art would be motivated to get a degree of support for a selection.

Per Claim 16:

The rejection of claim 15 is incorporated, and Sprague further teaches wherein the cumulative indication of support for the selected module is an average of all the ratings for the selected module (column 7, lines 10-17).

Response to Arguments

18. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

In the remarks, the applicant argues that:

a) The Examiner asserts that the Change Requests table discussed in Cohen from col. 7, line 58 to col. 8, line 16 corresponds to Applicants' list of suggested modules found in Applicant's claimed invention. Office Action at page 3. Even assuming, *arguendo*, that the two are comparable which they are not, Cohen fails to teach that the Change Request table is displayed to a user of the intranet. At most, Cohen discloses only that the Change Request table is used by the Auto-Notification process to keep users informed of their obligation to consider change and exception requests. See col. 8, lines 14-16. Nowhere, does Cohen teach, disclose or even suggest that the Change Request table itself is displayed to a user. The discussion in column 8 of Cohen further distinguishes the process described therein, which sends notification only to certain users regarding a suggested change in a particular standards document and which users are under an "obligation" to vote on that change.

As further described by Cohen, the Auto-Notification process involves sending emails to specific committee members associated with a particular information standard for which a change or exception request has been made and individually polling those members whether or

Art Unit: 2191

not to accept the change. See col. 11, lines 4-60. Thus, not only is no list of modules displayed to a user in Cohen's disclosed process, the user is not engaged in the selection of any item from a list. Rather, certain persons are already designated to receive and respond to specific requests, unlike Applicant's claimed invention where modules are displayed to a user in the form of a list from which the user then selects a module.

Examiner's response:

a) The combination of Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21. The combination of Cohen and Anuff is relied upon for the limitation "displaying the list of suggested modules to a user of the intranet portal" (Cohen teaches displaying the Change Requests Table *Topics* to the users via email and notify users when to attend the Conference to consider the change requests; where each conference has more than one change request topics, see column 8, lines 16-54; Anuff teaches a module at column 3, lines 58-67 to column 4, lines 1-14).

In addition, see the rejection above in paragraph 16 for rejection to claims 1, 9 and 21.

In the remarks, the applicant argues that:

b) Neither does Cohen teach a cumulative indication of support for a selected module. The "Votes" table found in Cohen, as referenced by the Examiner at page 3 of the Office Action, only shows a table in a database for separately recording a vote for each required voter. The other portion of Cohen cited by the Examiner as allegedly anticipated this element (beginning at col. 14, line 55 going to col. 15, line 26) only teaches that the votes are totaled by a subroutine at

Art Unit: 2191

the conclusion of the voting period. In fact, Cohen specifically requires that the votes are not counted until after all votes have been cast. Col. 14, line 57-58. Using a subroutine to count all votes and calculate a total at the end of a period of time is not the same as including an indication of support in a cumulative indication of support, which, as the term “cumulative” suggests, involves incremental addition as each indication of support is received.

Examiner's response:

b) The combination of Cohen and Anuff clearly shows each and every limitation in claims 1, 9 and 21. The combination of Cohen and Anuff is relied upon for the limitation “a cumulative indication of support for a selected module” (Cumulative indication as defined in amended claim 6 is “the cumulative indication of support for the selected module is a sum of all the votes for the selected module” on lines 2-3 of claim 6, which Cohen’s Complete Vote subroutine teaches. The argument regarding *when* the votes are calculated is moot in view of the definition given in claim 6.

In addition, see the rejection above in paragraph 16 for rejection to claims 1, 9 and 21.

Conclusion

19. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.


Art Unit: 2191

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
May 16, 2005



TUAN DAM
SUPERVISORY PATENT EXAMINER